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DT05 Rec'd PCT/PTO 18 NOV 2002

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Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<h2 style="margin: 0;">TRANSMITTAL FORM</h2> <p style="margin: 5px 0;">(to be used for all correspondence after initial filing)</p>	Application Number	10/048,034	
	Int. Filing Date	July 21, 2000	
	First Named Inventor	H. Michael Shepard	
	Group Art Unit	1645	
	Examiner Name	Not Yet Assigned	
Total Number Of Pages In This Submission	7	Attorney Docket No.	NB 2006.00

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declarations <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney; Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="margin-top: 5px;"> Paper Copy of Sequence Listing, Computer Readable Diskette Containing Copy of Sequence Listing and Return Receipt Postcard </div>
<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Remarks </div>		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT	
Firm or Individual Name	Antoinette F. Konski Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, California 94111
Signature	
Date	Nov. 18, 2002

CERTIFICATE OF MAILING
<p>I hereby certify that this paper or fee is being deposited with the United States Postal Service as Express Mail No EV 155 464 010 US addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231 on this date: November 18, 2002</p> <p> <u>Jae Wan Hwang</u></p>

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.10, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as Express Mail Label Number EV 155 464 010 US on the date indicated below in an envelope addressed to Box PCT, U.S. Patent & Trademark Office, Washington, DC 20231.

[Dated: November 18, 2002

Name of Person Certifying: Jae Wan Hwang

Printed Name: Jae Wan Hwang

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Michael Shepard

Int. Filing Date: July 21, 2000

Examiner: Not Yet Assigned

U.S. Appl. No.: 10/048,034

Group Art Unit: 1645

Int. Appl. No.: PCT/US00/19844

Title: ENZYME CATALYZED ANTI-INFECTIVE THERAPEUTIC AGENTS

Commissioner for Patents
Box PCT
United States Patent and Trademark Office
Washington, DC 20231

RESPONSE TO NOTICE OF DEFECTIVE RESPONSE UNDER 371

Dear Sir:

This Response is submitted in reply to the Notice of Defective Response (copy attached) issued by the U.S. Patent and Trademark Office on October 17, 2002, in connection with the above-identified application. A response to this Notice is due one month from the date of issuance, i.e., on or before November 17, 2002. However, because November 17, 2002, falls on a Sunday, a response filed the next business day, namely Monday, November 18, 2002, is considered timely under 37 C.F.R. § 1.8. Accordingly, this Response is timely filed.

The October 17, 2002 Notice that Applicants had failed to supply the disclosure in accordance with 37 C.F.R. § 1.821-1.825. Enclosed herewith is a diskette having recorded thereon the information submitted with the paper copy of the sequence listing, also enclosed

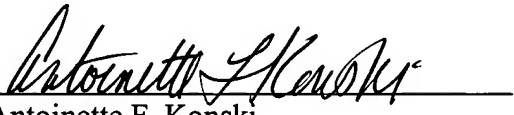
herewith. The undersigned hereby declares that the information provided on the paper copy is identical to the information provided on the computer diskette.

Applicant's undersigned attorney also wishes to advise the Office that due to a merger of law firms, the name of the undersigned's firm has been changed to Bingham McCutchen LLP.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1189**, billing reference number **23896-7151**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: November 18, 2002

By: 
Antoinette F. Konski
Reg. No. 34,202

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/048,034	H Michael Shepard	NB 2006.00

INTERNATIONAL APPLICATION NO.

PCT/US00/19844

LA. FILING DATE	PRIORITY DATE
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07/21/2000

07/22/1999

Antoinette F. Konski
 McCutchen, Doyle, Brown & Enersen
 Three Embarcadero Center
 Suite 1800
 San Francisco, CA 94111-4067

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OCT 22 2002

Bingham McCutchen
 IP Docket Dept.

CONFIRMATION NO. 2762

371 FORMALITIES LETTER



OC000000008961921

Date Mailed: 10/17/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fee
- Priority Document
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration

Applicant's response filed 06/28/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/01/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

● For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/048,034	PCT/US00/19844	NB 2006.00.